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July 26, 2011

The Honorable Richard J. Holwell
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

VIA FACSIMILE
(212) 805-7948

07cv8488

Re: *In re State Street Bank & Trust Co. Fixed Income Funds Investment Litigation* MDL No. 1945 (RJH) (S.D.N.Y.); *Apogee Enterprises, Inc. v. State Street Bank & Trust Co.* No. 09 Civ. 01899 (RJH/DFE) (S.D.N.Y.)

Dear Judge Holwell:

I represent Apogee Enterprises, Inc. ("Apogee"), the Apogee Pension Investment Committee (the "PIC"), and the individual members of the PIC ("PIC members"). Apogee, the PIC and the PIC Members will be referred to herein collectively as the "Apogee Parties." I am writing to confirm the telephone conversation Lew Clayton, counsel for ING Institutional Plan Services LLC (f/k/a CitiStreet LLC) ("CitiStreet") and I had with your Chambers this morning.

Mr. Clayton and I advised your Chambers that the Apogee Parties and CitiStreet had reached a settlement in principle. We also advised that the Apogee Parties and SilverOak Wealth Management LLC ("SilverOak") had reached a settlement in principle. As a result of these settlements, the two motions scheduled for hearing before Your Honor in this action on July 28 are now moot and we requested that they be adjourned. The two motions are: (1) the Apogee Parties' motion to dismiss CitiStreet's contribution claims (Dkt #65); and (2) SilverOak's motion to dismiss CitiStreet's contribution claims (Dkt #67).

The Apogee Parties, CitiStreet and SilverOak are in the process of documenting their settlements. Once that has been completed, we will file stipulations of dismissal. The only parties who will remain in the case at that point will be Apogee and State Street Bank and Trust Company.

Lew Clayton and counsel for SilverOak, Keith Broady, have reviewed and approved this letter.

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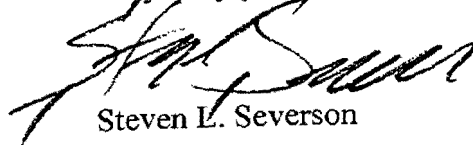
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We appreciate your Honor's consideration of this matter.

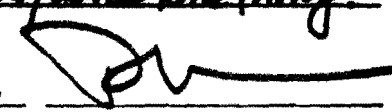
Very truly yours,


Steven L. Severson

SEVSL/sls

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cc: All Counsel of Record (via e-mail)

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| <p><u>In light of the settlement in</u> <u>principle between the Apogee</u> <u>Partners, Silver Oak, and CitiStreet,</u> <u>the motions relating to those parties</u> <u>[65, 67, 70] are denied</u> <u>without prejudice to re-filing.</u></p> <p>SO ORDERED: Date: <u>8/11/11</u></p> <p> Richard J. Holwell, U.S.D.J.</p> |
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